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*Attorneys for LIVELIFE, LLC*

**UNITED STATES BANKRUPTCY COURT**  
**DISTRICT OF NEVADA**

In re:  
  
ARRON AUGUSTIN AFFLALO,  
  
Debtor.

\_\_\_\_\_  
LIVELIFE, LLC, a Nevada limited liability company,  
  
Plaintiff,

vs.

BAY POINT CAPITAL PARTNERS, LP, a  
Delaware limited partnership, AUGUSTIN PARIS,  
LLC, a Nevada limited liability company; DOES I  
through X, inclusive; and ROE BUSINESS  
ENTITIES I through X, inclusive,  
  
Defendants.

\_\_\_\_\_  
BAY POINT CAPITAL PARTNERS, LP, a  
Delaware limited partnership,

Counter-Claimant,

vs.

LIVELIFE, LLC, a Nevada limited liability company,  
  
Counter-Defendant.

Case No. BK-S-19-12086-ABL

Chapter 7

Adv. Proceeding No. 19-01084-ABL

**NOTICE OF APPEAL  
AND STATEMENT OF ELECTION**

APL 21-30

BAY POINT CAPITAL PARTNERS, LP, a  
Delaware limited partnership,  
  
Third-Party Plaintiff,  
vs.  
SHELLEY D. KROHN, Chapter 7 Trustee for the  
Estate of Arron Augustin Afflalo,  
  
Third-Party Defendant.  
  
SHELLEY D. KROHN, Chapter 7 Trustee for the  
Estate of Arron Augustin Afflalo,  
  
Counter-Claimant,  
vs.  
LIVELIFE, LLC, a Nevada limited liability company,  
  
Counter-Defendant.

**NOTICE OF APPEAL AND STATEMENT OF ELECTION**

**PART 1: IDENTIFY THE APPELLANT(S)**

1. Name(s) of appellant(s): LIVELIFE, LLC
2. Position of appellant(s) in the adversary proceeding or bankruptcy case that is the subject of this appeal:
  - X Plaintiff
  - Defendant
  - X Other (describe): LIVELIFE, LLC is the Plaintiff **and** Counter-Defendant in this matter. It was countersued by BAY POINT CAPITAL PARTNERS, LP, and countersued by SHELLEY D. KROHN, Chapter 7 Trustee for the Estate of Arron Augustin Afflalo.
3. For appeals in a bankruptcy case and not an adversary proceeding.
  - Debtor
  - Creditor
  - Trustee
  - Other (describe):

**PART 2: IDENTIFY THE SUBJECT OF THIS APPEAL**

1. Describe the judgment, order, or decree appealed from:

- (a) **ECF NO. 361:** *Order Denying Motion for Partial Summary Judgment Filed by Livelife, LLC [ECF No. 173]*
- (b) **ECF NO. 362:** *Order Granting Motion for Summary Judgment Filed by Counterclaimant, Third-party Defendant, and Chapter 7 Trustee Shelley D. Krohn [ECF No. 194]*
- (c) **ECF NO. 363:** *Order Granting Motion for Summary Judgment Filed by Bay Point Capital Partners, LP [ECF No. 278]*
- (d) **ECF NO. 364:** *Order Granting in Part and Denying in Part Amended Motion for Summary Judgment Filed by Livelife, LLC [ECF No. 281]*

2. State the date on which the judgment, order, or decree was entered:

- (a) **ECF NO. 361:** *Order Denying Motion for Partial Summary Judgment Filed by Livelife, LLC [ECF No. 173] – November 10, 2021*
- (b) **ECF NO. 362:** *Order Granting Motion for Summary Judgment Filed by Counterclaimant, Third-party Defendant, and Chapter 7 Trustee Shelley D. Krohn [ECF No. 194] – November 10, 2021*
- (c) **ECF NO. 363:** *Order Granting Motion for Summary Judgment Filed by Bay Point Capital Partners, LP [ECF No. 278] – November 10, 2021*
- (d) **ECF NO. 364:** *Order Granting in Part and Denying in Part Amended Motion for Summary Judgment Filed by Livelife, LLC [ECF No. 281] – November 10, 2021*

**PART 3: IDENTIFY THE OTHER PARTIES TO THE APPEAL**

List the names of all parties to the judgment, order, or decree appealed from and the names, addresses, and telephone numbers of their attorneys (attached additional pages if necessary):

///

///

**Party:**

LIVELIFE, LLC

**Attorney:**

Represented collectively by:

DOUGLAS D. GERRARD, ESQ.

Nevada Bar No. 4613

[dgerrard@gerrard-cox.com](mailto:dgerrard@gerrard-cox.com)

JOHN M. LANGEVELD, ESQ.

Nevada Bar No. 11628

[jlangeveld@gerrard-cox.com](mailto:jlangeveld@gerrard-cox.com)**GERRARD COX LARSEN**

2450 St. Rose Pkwy., Suite 200

Henderson, Nevada 89074

(702) 796-4000 (telephone)

(702) 796-4848 (facsimile)

BAY POINT CAPITAL PARTNERS, LP

Represented collectively by:

BRANDON P. JOHANSSON, ESQ.

Nevada Bar No. 12003

[Bjohansson@ArmstrongTeasdale.com](mailto:Bjohansson@ArmstrongTeasdale.com)**ARMSTRONG TEASDALE LLP**

3770 Howard Hughes Parkway, Suite 200

Telephone: 702.678.5070

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JOHN F. ISBELL, Esq.

Georgia Bar No. 384883 (*admitted pro hac vice*)[john@jfi-law.com](mailto:john@jfi-law.com)**LAW OFFICES OF JOHN F. ISBELL LLC**

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Atlanta, Georgia 30305

Telephone: 404-849-6665

JOHN C. ALLERDING, Esq.

Ohio Bar No. 0087025 (*admitted pro hac vice*)[John.Allerding@ThompsonHine.com](mailto:John.Allerding@ThompsonHine.com)**THOMPSON HINE LLP**

3900 Key Center, 127 Public Square

Cleveland, Ohio 44114-1291

Telephone: 216-566-5500

SHELLEY D. KROHN, Chapter 7  
 Trustee for the Estate of  
 Arron Augustin Afflalo

Represented collectively by:

Jacob L. Houmand, Esq.

Nevada Bar No. 12781

Bradley G. Sims, Esq.

Nevada Bar No. 11713

**HOUMAND LAW FIRM, LTD.**

9205 West Russell Road, Building 3, Suite 240

Las Vegas, Nevada 89148

(702) 702-3370 (telephone)

(702) 702-3371 (facsimile)

**PART 4: OPTIONAL ELECTION TO HAVE APPEAL HEARD BY DISTRICT COURT  
(APPLICABLE ONLY IN CERTAIN DISTRICTS)**

If a Bankruptcy Appellate Panel is available in this judicial district, the Bankruptcy Appellate Panel will hear this appeal unless, pursuant to 28 U.S.C. § 158(c)(1), a party elects to have the appeal heard by the United States District Court. If an appellant filing this notice wishes to have the appeal heard by the United States District Court, check below. Do not check the box if the appellant wishes the Bankruptcy Appellate Panel to hear the appeal.

  X   Appellant(s) elect to have the appeal heard by the United States District Court rather than by the Bankruptcy Appellate Panel.

**PART 5: SIGN BELOW**

**GERRARD COX LARSEN**

Dated this 23rd day of November, 2021.

/s/Douglas D. Gerrard, Esq.  
Douglas D. Gerrard, Esq.  
Nevada Bar No. 4613  
John M. Langeveld, Esq.  
Nevada Bar No. 11628  
2450 St. Rose Pkwy., Suite 200  
Henderson, NV 89074  
*Attorneys for* LIVELIFE, LLC

Fee waiver notice: If appellant is a child support creditor or its representative and appellant has filed the form specified in § 304(g) of the Bankruptcy Reform Act of 1994, no fee is required.

[Note to inmate filers: If you are an inmate filer in an institution and you seek the timing benefit of Fed. R. Bankr. P. 8002(c)(1), complete Director's Form 4170 (Declaration of Inmate Filing) and file that declaration along with the Notice of Appeal.]

## CERTIFICATE OF SERVICE

I hereby certify that I am an, employee of GERRARD COX LARSEN, and that on the 23<sup>rd</sup> day of November, 2021, I served a copy of **NOTICE OF APPEAL AND STATEMENT OF ELECTION**, as follows:

**a. Electronically Mailed by ECF System:**

DOUGLAS D. GERRARD on behalf of Plaintiff and Counter-Defendant, LIVELIFE, LLC [dgerrard@gerrard-cox.com](mailto:dgerrard@gerrard-cox.com); [kjohnson@gerrard-cox.com](mailto:kjohnson@gerrard-cox.com); [emedellin@gerrard-cox.com](mailto:emedellin@gerrard-cox.com); [Kgonzales@Gerrard-Cox.com](mailto:Kgonzales@Gerrard-Cox.com); [Jlangeveld@Gerrard-Cox.com](mailto:Jlangeveld@Gerrard-Cox.com); [Nhenderson@gerrard-cox.com](mailto:Nhenderson@gerrard-cox.com); [fbiedermann@gerrard-cox.com](mailto:fbiedermann@gerrard-cox.com); [gmlne@gerrard-cox.com](mailto:gmlne@gerrard-cox.com)

JOHN C. ALLERDING on behalf of 3rd Party Plaintiff BAY POINT CAPITAL PARTNERS, LP [John.Allerding@ThompsonHine.com](mailto:John.Allerding@ThompsonHine.com), [ECFDocket@thompsonhine.com](mailto:ECFDocket@thompsonhine.com)

JOHN C. ALLERDING on behalf of Counter-Claimant BAY POINT CAPITAL PARTNERS, LP, A DELAWARE LIMITED PARTNERSHIP [John.Allerding@ThompsonHine.com](mailto:John.Allerding@ThompsonHine.com), [ECFDocket@thompsonhine.com](mailto:ECFDocket@thompsonhine.com)

JOHN C. ALLERDING on behalf of Defendant BAY POINT CAPITAL PARTNERS, LP [John.Allerding@ThompsonHine.com](mailto:John.Allerding@ThompsonHine.com), [ECFDocket@thompsonhine.com](mailto:ECFDocket@thompsonhine.com)

JACOB L. HOUMAND on behalf of 3rd Pty Defendant SHELLEY D KROHN [jhoumand@houmandlaw.com](mailto:jhoumand@houmandlaw.com), [bsims@houmandlaw.com;2082209420@filings.docketbird.com](mailto:bsims@houmandlaw.com;2082209420@filings.docketbird.com)

JACOB L. HOUMAND on behalf of Counter-Claimant SHELLEY D KROHN [jhoumand@houmandlaw.com](mailto:jhoumand@houmandlaw.com), [bsims@houmandlaw.com;2082209420@filings.docketbird.com](mailto:bsims@houmandlaw.com;2082209420@filings.docketbird.com)

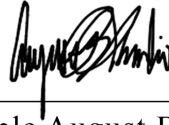
BRANDON P. JOHANSSON on behalf of 3rd Party Plaintiff BAY POINT CAPITAL PARTNERS, LP, [bjohansson@armstrongteasdale.com](mailto:bjohansson@armstrongteasdale.com), [jmyrold@armstrongteasdale.com](mailto:jmyrold@armstrongteasdale.com)

BRANDON P. JOHANSSON on behalf of Counter-Claimant BAY POINT CAPITAL PARTNERS, LP, A DELAWARE LIMITED PARTNERSHIP [bjohansson@armstrongteasdale.com](mailto:bjohansson@armstrongteasdale.com), [jmyrold@armstrongteasdale.com](mailto:jmyrold@armstrongteasdale.com)

BRANDON P. JOHANSSON on behalf of Defendant BAY POINT CAPITAL PARTNERS, LP [bjohansson@armstrongteasdale.com](mailto:bjohansson@armstrongteasdale.com), [jmyrold@armstrongteasdale.com](mailto:jmyrold@armstrongteasdale.com)

BRADLEY G SIMS on behalf of 3rd Pty Defendant SHELLEY D KROHN, [sims.esq@gmail.com](mailto:sims.esq@gmail.com)

  
Kanani Gonzales, an employee of  
GERRARD COX & LARSEN



Honorable August B. Landis  
United States Bankruptcy Judge



Entered on Docket  
November 10, 2021

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEVADA

\* \* \* \* \*

In re:

ARRON AUGUSTIN AFFLALO,

Debtor.

LIVELIFE, LLC, a Nevada Limited  
Liability Company,

Plaintiff,

v.

BAY POINT CAPITAL PARTNERS, LP, a  
Delaware Limited Partnership; AUGUSTIN  
PARIS, LLC, a Nevada Limited Liability  
Company,

Defendants.

BAY POINT CAPITAL PARTNERS, LP,  
A Delaware Limited Partnership,

Counter-Claimant,

v.

LIVELIFE, LLC, a Nevada Limited  
Liability Company,

Counter-Defendant.

Case No.: BK-S-19-12086-ABL

Chapter 7

Adv. Proceeding No. 19-01084-abl

Date: November 1, 2021

Time: 2:30 p.m.

BAY POINT CAPITAL PARTNERS, LP, a )  
 Delaware Limited Partnership, )

Third-Party Plaintiff, )

v. )

SHELLEY D. KROHN, Chapter 7 Trustee )  
 for the Estate of Arron Augustin Afflalo, )

Third-Party Defendant. )

SHELLEY D. KROHN, Chapter 7 Trustee )  
 for the Estate of Arron Augustin Afflalo, )

Counter-Claimant, )

v. )

LIVELIFE, LLC, a Nevada Limited )  
 Liability Company, )

Counter-Defendant. )

**ORDER DENYING MOTION FOR PARTIAL SUMMARY JUDGMENT FILED BY  
 LIVELIFE, LLC [ECF NO. 173]<sup>1</sup>**

On November 1, 2021, the Court issued its oral ruling on a Motion for Partial Summary Judgment Against the Chapter 7 Trustee, Shelley D. Krohn, with Respect to Her Counterclaims Asserted Against Livelife, LLC (“Motion”) (ECF No. 173). The Motion was filed on behalf of Plaintiff and Counter-Defendant Livelife, LLC (“Livelife”).

At the November 1, 2021 oral ruling, attorney Douglas D. Gerrard appeared telephonically on behalf of Livelife. Attorney John C. Allerdine appeared telephonically on behalf of Bay Point Capital Partners, LP. Attorney Brad G. Sims appeared telephonically on behalf of Counter-Claimant, Third-Party Defendant, and Chapter 7 Trustee Shelley D. Krohn. No other appearances were noted on the record.

<sup>1</sup> In this Order all references to “ECF No.” are to the numbers assigned to the documents filed in the above-captioned adversary proceeding as they appear on the docket maintained by the Clerk of the Court.



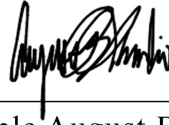
1 To the extent that the Court made findings of fact and conclusions of law in the course of  
2 its oral ruling on November 1, 2021, those findings of fact and conclusions of law are  
3 incorporated into this Order by this reference pursuant to FED. R. CIV. P. 52 and 56(a), made  
4 applicable in this adversary proceeding pursuant to FED. R. BANKR. P. 7052 and 7056.

5 For the reasons stated on the record:

6 **IT IS ORDERED** that the Motion is **DENIED**.

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8 Copies sent to all parties via CM/ECF Electronic Filing.

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Honorable August B. Landis  
United States Bankruptcy Judge



Entered on Docket  
November 10, 2021

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEVADA

\* \* \* \* \*

In re:

ARRON AUGUSTIN AFFLALO,

Debtor.

LIVELIFE, LLC, a Nevada Limited  
Liability Company,

Plaintiff,

v.

BAY POINT CAPITAL PARTNERS, LP, a  
Delaware Limited Partnership; AUGUSTIN  
PARIS, LLC, a Nevada Limited Liability  
Company,

Defendants.

BAY POINT CAPITAL PARTNERS, LP,  
A Delaware Limited Partnership,

Counter-Claimant,

v.

LIVELIFE, LLC, a Nevada Limited  
Liability Company,

Counter-Defendant.

Case No.: BK-S-19-12086-ABL

Chapter 7

Adv. Proceeding No. 19-01084-abl

Date: November 1, 2021

Time: 2:30 p.m.

BAY POINT CAPITAL PARTNERS, LP, a )  
Delaware Limited Partnership, )

Third-Party Plaintiff, )

v. )

SHELLEY D. KROHN, Chapter 7 Trustee )  
for the Estate of Arron Augustin Afflalo, )

Third-Party Defendant. )

SHELLEY D. KROHN, Chapter 7 Trustee )  
for the Estate of Arron Augustin Afflalo, )

Counter-Claimant, )

v. )

LIVELIFE, LLC, a Nevada Limited )  
Liability Company, )

Counter-Defendant. )

**ORDER GRANTING MOTION FOR SUMMARY JUDGMENT FILED BY COUNTER-CLAIMANT, THIRD-PARTY DEFENDANT, AND CHAPTER 7 TRUSTEE**

**SHELLEY D. KROHN [ECF NO. 194]<sup>1</sup>**

On November 1, 2021, the Court issued its oral ruling on a Motion for Summary Judgment Pursuant to Federal Rule of Bankruptcy Procedure 7056 and Federal Rule of Civil Procedure 56 (“Motion”) (ECF No. 194). The Motion was filed on behalf of Counter-Claimant, Third-Party Defendant, and Chapter 7 Trustee Shelley D. Krohn (“Trustee”).

At the November 1, 2021 oral ruling, attorney Douglas D. Gerrard appeared telephonically on behalf of Livelife, LLC. Attorney John C. Allerdinger appeared telephonically on behalf of Bay Point Capital Partners, LP. Attorney Brad G. Sims appeared telephonically on behalf of Trustee. No other appearances were noted on the record.

<sup>1</sup> In this Order all references to “ECF No.” are to the numbers assigned to the documents filed in the above-captioned adversary proceeding as they appear on the docket maintained by the Clerk of the Court.

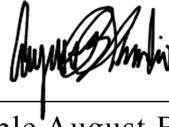
1 To the extent that the Court made findings of fact and conclusions of law in the course of  
2 its oral ruling on November 1, 2021, those findings of fact and conclusions of law are  
3 incorporated into this Order by this reference pursuant to FED. R. CIV. P. 52 and 56(a), made  
4 applicable in this adversary proceeding pursuant to FED. R. BANKR. P. 7052 and 7056.

5 For the reasons stated on the record:

6 **IT IS ORDERED** that the Motion is **GRANTED**.

7  
8 Copies sent to all parties via CM/ECF Electronic Filing.

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Honorable August B. Landis  
United States Bankruptcy Judge



Entered on Docket  
November 10, 2021

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEVADA

\* \* \* \* \*

In re:

ARRON AUGUSTIN AFFLALO,

Debtor.

LIVELIFE, LLC, a Nevada Limited  
Liability Company,

Plaintiff,

v.

BAY POINT CAPITAL PARTNERS, LP, a  
Delaware Limited Partnership; AUGUSTIN  
PARIS, LLC, a Nevada Limited Liability  
Company,

Defendants.

BAY POINT CAPITAL PARTNERS, LP,  
A Delaware Limited Partnership,

Counter-Claimant,

v.

LIVELIFE, LLC, a Nevada Limited  
Liability Company,

Counter-Defendant.

Case No.: BK-S-19-12086-ABL

Chapter 7

Adv. Proceeding No. 19-01084-abl

Date: November 1, 2021

Time: 2:30 p.m.

BAY POINT CAPITAL PARTNERS, LP, a )  
Delaware Limited Partnership, )

Third-Party Plaintiff, )

v. )

SHELLEY D. KROHN, Chapter 7 Trustee )  
for the Estate of Arron Augustin Afflalo, )

Third-Party Defendant. )

SHELLEY D. KROHN, Chapter 7 Trustee )  
for the Estate of Arron Augustin Afflalo, )

Counter-Claimant, )

v. )

LIVELIFE, LLC, a Nevada Limited )  
Liability Company, )

Counter-Defendant. )

**ORDER GRANTING MOTION FOR SUMMARY JUDGMENT FILED BY BAY POINT  
CAPITAL PARTNERS, LP [ECF NO. 278]<sup>1</sup>**

On November 1, 2021, the Court issued its oral ruling on a Motion for Summary Judgment Pursuant to Federal Rule of Bankruptcy Procedure 7056 and Federal Rule of Civil Procedure 56 (“Motion”) (ECF No. 278). The Motion was filed on behalf of Defendant, Counter-Claimant, and Third-Party Plaintiff Bay Point Capital Partners, LP (“Bay Point”).

At the November 1, 2021 oral ruling, attorney Douglas D. Gerrard appeared telephonically on behalf of Livelife, LLC. Attorney John C. Allerding appeared telephonically on behalf of Bay Point. Attorney Brad G. Sims appeared telephonically on behalf of Chapter 7 Trustee Shelley D. Krohn. No other appearances were noted on the record.

To the extent that the Court made findings of fact and conclusions of law in the course of

<sup>1</sup> In this Order all references to “ECF No.” are to the numbers assigned to the documents filed in the above-captioned adversary proceeding as they appear on the docket maintained by the Clerk of the Court.

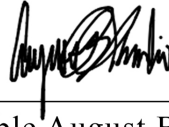
1 its oral ruling on November 1, 2021, those findings of fact and conclusions of law are  
2 incorporated into this Order by this reference pursuant to FED. R. CIV. P. 52 and 56(a), made  
3 applicable in this adversary proceeding pursuant to FED. R. BANKR. P. 7052 and 7056.

4 For the reasons stated on the record:

5 **IT IS ORDERED** that the Motion is **GRANTED**.

6  
7 Copies sent to all parties via CM/ECF Electronic Filing.

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Honorable August B. Landis  
United States Bankruptcy Judge



Entered on Docket  
November 10, 2021

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEVADA

\* \* \* \* \*

In re:

ARRON AUGUSTIN AFFLALO,

Debtor.

LIVELIFE, LLC, a Nevada Limited  
Liability Company,

Plaintiff,

v.

BAY POINT CAPITAL PARTNERS, LP, a  
Delaware Limited Partnership; AUGUSTIN  
PARIS, LLC, a Nevada Limited Liability  
Company,

Defendants.

BAY POINT CAPITAL PARTNERS, LP,  
A Delaware Limited Partnership,

Counter-Claimant,

v.

LIVELIFE, LLC, a Nevada Limited  
Liability Company,

Counter-Defendant.

Case No.: BK-S-19-12086-ABL

Chapter 7

Adv. Proceeding No. 19-01084-abl

Date: November 1, 2021

Time: 2:30 p.m.



BAY POINT CAPITAL PARTNERS, LP, a )  
Delaware Limited Partnership, )

Third-Party Plaintiff, )

v. )

SHELLEY D. KROHN, Chapter 7 Trustee )  
for the Estate of Arron Augustin Afflalo, )

Third-Party Defendant. )

SHELLEY D. KROHN, Chapter 7 Trustee )  
for the Estate of Arron Augustin Afflalo, )

Counter-Claimant, )

v. )

LIVELIFE, LLC, a Nevada Limited )  
Liability Company, )

Counter-Defendant. )

**ORDER GRANTING IN PART AND DENYING IN PART AMENDED MOTION FOR  
SUMMARY JUDGMENT FILED BY LIVELIFE, LLC [ECF NO. 281]<sup>1</sup>**

On November 1, 2021, the Court issued its oral ruling on an Amended Motion for Summary Judgment on All Claims Against or Asserted by Bay Point Capital Partners, LP (“Motion”) (ECF No. 281 ). The Motion was filed on behalf of Plaintiff and Counter-Defendant Livelife, LLC (“Livelife”).

At the November 1, 2021 oral ruling, attorney Douglas D. Gerrard appeared telephonically on behalf of Livelife. Attorney John C. Allerding appeared telephonically on behalf of Bay Point Capital Partners, LP (“Bay Point”). Attorney Brad G. Sims appeared telephonically on behalf of Chapter 7 Trustee Shelley D. Krohn. No other appearances were noted on the record.

<sup>1</sup> In this Order all references to “ECF No.” are to the numbers assigned to the documents filed in the above-captioned adversary proceeding as they appear on the docket maintained by the Clerk of the Court.

1 To the extent that the Court made findings of fact and conclusions of law in the course of  
2 its oral ruling on November 1, 2021, those findings of fact and conclusions of law are  
3 incorporated into this Order by this reference pursuant to FED. R. CIV. P. 52 and 56(a), made  
4 applicable in this adversary proceeding pursuant to FED. R. BANKR. P. 7052 and 7056.

5 For the reasons stated on the record:

6 **IT IS ORDERED** that the Motion is **GRANTED IN PART** and **DENIED IN PART** as  
7 follows:

- 8 1. The Motion is **GRANTED** solely and exclusively as to the fraud claim alleged by  
9 Bay Point against Livelife, summary judgment shall be entered in favor of Livelife  
10 solely and exclusively as to the fraud claim alleged by Bay Point against Livelife, and  
11 Bay Point's fraud claim against Livelife is **DISMISSED**.
- 12 2. In all other respects, the Motion is **DENIED**.

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14 Copies sent to all parties via CM/ECF Electronic Filing.

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